

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN**

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**THE ESTATE OF JAMES FRANKLIN PERRY, et al.**

Plaintiffs,

v.

**Case No.12-CV-0664**

**CHERYL WENZEL, R.N., et al,**

Defendants.

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**PLAINTIFFS' MOTION TO SET TRIAL DATE**

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NOW COME the Plaintiffs, the Estate of James Franklin Perry and James Franklin Perry, Jr. (a minor), by and through their attorneys, respectfully requesting this case be set for trial:

1. The parties have been at issue since June 8, 2012, stemming from James Perry's in-custody death on September 13, 2010. His son, James Perry, Jr., was nine years old when his father died on the concrete floor of the County's jail, bound by his arms and legs, a spit mask saturated with blood and sputum over his face, urine and feces about his body and his pants down around his ankles – all of which is documented by video footage.

2. Per this Court's prior order, this matter was set for final pre-trial conference on March 20, 2018, and trial commencing March 26, 2018. (D.213) Those dates were contingent on the declination of the combined defendants' Writs of Certiorari with the U.S. Supreme Court, "[i]f the petition for certiorari has not been addressed prior to the [trial] dates... we will adjust the trial date." (D.219:1)(11-2-17 Status Hrg. Tr. at 3.) The combined defendants' Writs were denied by the U.S. Supreme Court on April 2, 2018.

3. The plaintiffs respectfully request this matter be set for status conference to schedule trial.

Dated at Wauwatosa, Wisconsin this 13<sup>th</sup> day of April, 2018.

Respectfully Submitted,  
Attorneys for Plaintiffs

Judge, Lang & Katers, LLC  
By: s/ David J. Lang  
David J. Lang (SBN: 1067557)  
8112 W. Bluemound Road, Ste.101  
Wauwatosa, WI 53213  
P: (414) 777-0778  
F: (414) 777-0776  
[dlang@jlk-law.com](mailto:dlang@jlk-law.com)

Gende Law Office, S.C.  
By: s/James J. Gende II  
James J. Gende II (SBN:1030921)  
N28W23000 Roundy Dr., Ste.200  
Pewaukee, WI 53072  
P: (262) 970-8500  
F: (262) 970-7100  
[jgende@jamesgendelaw.com](mailto:jgende@jamesgendelaw.com)